IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

Crl.MC.No. 223 of 2007()

CMP.5419/2006 of JUDL.MAGISTRATE OF FIRST CLASS-II, KOCHI
CRIME NO. 350/04 OF KOCHI KASABA POLICE STATION

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PETITIONER: ACCUSED.

SHAJI @ SHAHUDHEEN, AGED 35 YEARS,
S/P. SAINUDHEEN, LAVUKULATHIL HOUSE, XXII/347,
KUNNAKATTU BHAGOM, X WARD, CHANGANACHERRY
MUNICIPALITY.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS: COMPLAINANT.

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1. THE SUB INSPECTOR OF POLICE,
KOCHI KASBA POLICE STATION.

2. STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 02/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 223 of 2007

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Dated this the 2nd day of February, 2007

O R D E R

The petitioner faces allegations under Sections 403, 406 and 420 I.P.C. He was arrested and produced before the learned Magistrate. He continues in custody from 23.8.2006. The learned Magistrate has granted bail to the petitioner, subject to conditions.

2. One of the conditions is that the petitioner must deposit cash security of Rs.30,000/-or file solvency for the same. This order was passed as early as on 10.10.2006. The petitioner has come to this Court complaining about the onerous nature of the said condition imposed. The counsel submits that the petitioner, who is in custody, is unable to raise the amount and consequently he is constrained to continue in custody from the date of his arrest notwithstanding the order granting him bail on 10.10.2006.

3. The learned counsel submits that if continued insistence on the condition were made, the petitioner will have to languish in prison until the trial is over. In these circumstances a lenient view may be taken and the direction for cash deposit of Rs.30,000/- may be

dispensed with and deleted. The learned counsel points out that the other condition obliges the petitioner to execute a bond for Rs. 1,00,000/- with two solvent sureties for the like sum.

4. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor only submits that appropriate orders may be passed.

5. Having considered all the relevant inputs, I am certainly satisfied that the said condition imposed on the petitioner - i.e. deposit of cash security of Rs.30,000/- or file solvency for the same - can be deleted.
Of course, further conditions can be imposed to ensure that the petitioner does not abscond and co-operates with the Investigators.

6. This Crl.M.C. is accordingly allowed. Condition No.2 imposed that the petitioner must deposit cash security of Rs.30,000/- or file solvency for the same is altered and modified. It is directed, in supersession of that condition, that the petitioner must report before the Investigating Officer on the first and third Mondays of all English calender months between 10 a.m. and 11 a.m.

(R. BASANT)
Judge

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